

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:08-CR-75-FL  
No. 5:19-CV-466-FL

CRUZ EDUARDO VALENCIA-  
ADATA,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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MOTION TO DISMISS

Respondent, by and through the United States Attorney for the Eastern District of North Carolina, submits this motion to dismiss Petitioner's motion under 28 U.S.C. § 2255, [D.E. 107], for failure to state a claim upon which relief can be granted. Fed. R. Civ. P. 12(b)(6). A memorandum of law is filed in support of this motion.

Respectfully submitted, this 23<sup>rd</sup> day of December, 2019.

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CERTIFICATE OF SERVICE

I do hereby certify that I have this 23<sup>rd</sup> day of December, 2019, served a copy of the foregoing, upon the below-listed parties either electronically or by placing a copy in the U. S. Mail, addressed as follows:

Cruz Eduardo Valencia-Adata  
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